

State's Attorney

MISSION STATEMENT

The State's Attorney is a constitutionally created independent agency. The mission of the Office of the State's Attorney is to serve the public interest through the fair and honest administration of justice by exercising its responsibilities to: prosecute criminal violations in Montgomery County; educate the public with regard to criminal justice issues; provide training to lawyers for future service; address inequality and promote fairness in the criminal justice system; ensure access to the criminal justice system; promote professional relations with judges and attorneys; and further the efficient use of criminal justice resources.

BUDGET OVERVIEW

The total recommended FY08 Operating Budget for the Office of the State's Attorney is \$11,813,420, an increase of \$653,970 or 5.9 percent from the FY07 Approved Budget of \$11,159,450. Personnel Costs comprise 95.5 percent of the budget for 109 full-time positions and 11 part-time positions for 117.4 workyears. Operating Expenses account for the remaining 4.5 percent of the FY08 budget.

Not included in the above recommendation is a total of \$227,450 and 3.4 workyears that are charged to: Drug Enforcement Forfeiture Fund (\$103,400, 1.4 WYs); and Sheriff, Grant Fund (\$124,050, 2.0 WYs). The funding and workyears for these items are included in the receiving departments' budgets.

The Office has six Community Prosecution teams assigned geographically to the six police districts. Each team exclusively prosecutes the crime which happens in its respective police district. Prosecutors are assigned to neighborhoods, schools, civic groups, and faith-based organizations to promote better communication between the Office and communities. This increased interaction will allow prosecutors to be problem solvers, not just case processors.

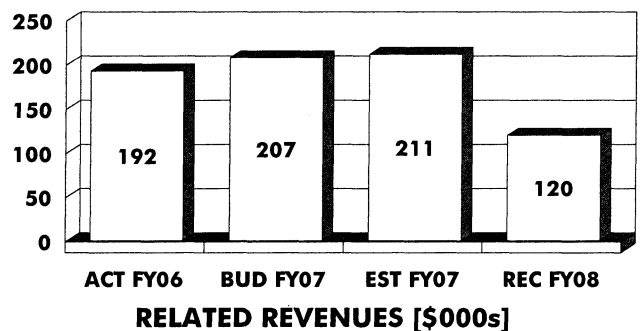
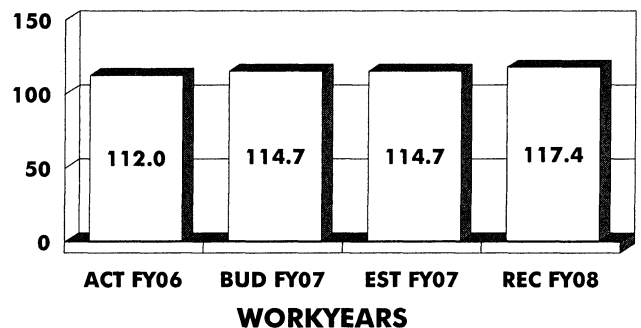
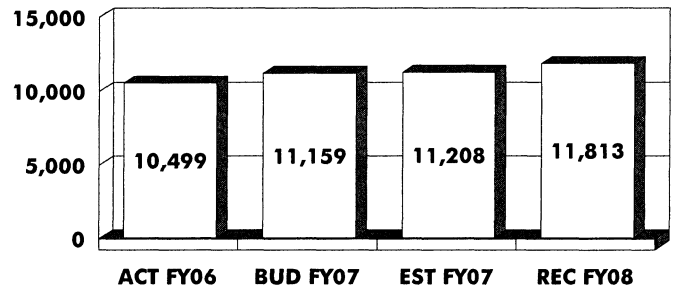
HIGHLIGHTS

- ❖ **Add an Assistant State's Attorney and a Victim Witness Coordinator to prosecute internet crimes against children**
- ❖ **Replace grant funding for a field community prosecutor to prosecute criminal cases**
- ❖ **Provide Drug Enforcement Forfeiture Funds (DEFF) for an Assistant State's Attorney and administrative support to prosecute civil forfeiture cases**
- ❖ **Gang and Youth Violence Initiative - Add two Assistant State's Attorneys to prosecute gang related crimes**

Program Summary

	Expenditures	WYs
Circuit Court Prosecution	5,783,210	46.1
District Court Screening	278,770	3.5
Juvenile Court Prosecution	1,210,580	13.5
Pre-Trial Mediation	100,390	2.0
Victim/Witness Court Assistance	275,480	4.0
Major Fraud and Special Investigations	463,280	5.0
Prosecution Management	762,080	7.0
Administration	624,910	5.0
District Court Prosecution	2,314,720	31.3
Totals	11,813,420	117.4

Trends



- ❖ **Provide an Assistant State's Attorney to serve as an instructor on constitutional and criminal law to the Police at the Public Safety Training Academy**

PROGRAM CONTACTS

Contact David Baker of the Office of the State's Attorney at 240.777.7318 or Edmond M. Piesen of the Office of Management and Budget at 240.777.2764 for more information regarding this department's operating budget.

PROGRAM DESCRIPTIONS

Circuit Court Prosecution

The Circuit Court Prosecution program reviews cases for possible filing in the Circuit Court by presenting these cases to the Grand Jury for indictment or filing a State's Attorney's information. After charges are filed, the State's Attorney Office litigates these cases to disposition. Senior Assistant State's Attorneys provide support and guidance to ongoing police investigations and conduct Grand Jury investigations of major felony cases, drug distribution, property forfeiture, gang crimes, internet crimes, and environmental cases. The Family Violence Unit prosecutes crimes of domestic violence, child abuse, and elder abuse. Prosecutors in this unit have specialized training to attack these difficult and often devastating crimes. Each Community Prosecution Team has been assigned a prosecutor from the Family Violence Unit to specifically handle the family violence cases occurring within its assigned police district. In addition, appeals and demands for jury trials in District Court cases are litigated in the Circuit Court.

FY08 Recommended Changes

- ☐ *Add two Assistant State's Attorney positions to prosecute gang related crimes*
- ☐ *Add an Assistant State's Attorney and a Victim Witness Coordinator to prosecute internet crimes against children*
- ☐ *Increase prosecution of civil forfeiture cases by charging to the Drug Enforcement Forfeiture Fund (DEFF)*

	Expenditures	WYs
FY07 Approved	5,335,340	44.4
FY08 CE Recommended	5,783,210	46.1

District Court Screening

The District Court Screening program resolves as many cases as possible before the trial date by contacting victims and witnesses to determine what outcome they would like to obtain from the criminal justice system. This program relies on volunteers and is supervised by permanent staff. It provides victim/witness assistance by delivering information about the criminal justice system to victims and witnesses whose cases are expected to go to trial and an on-call service, when possible, to reduce the inconvenience experienced by victims and witnesses.

FY08 Recommended Changes

	Expenditures	WYs
FY07 Approved	265,110	3.5
FY08 CE Recommended	278,770	3.5

Juvenile Court Prosecution

The Juvenile Court Prosecution program prosecutes criminal violations committed by juvenile offenders in Montgomery County and performs a preliminary review of all cases in which a juvenile is charged with a violence crime. This includes cases which have been reviewed by the Juvenile Services Administration and then referred to the Office of the State's Attorney. In such cases, formal charges are filed where appropriate and litigated to disposition in the Juvenile Court, attempting to obtain restitution for victims when possible. This program also provides administrative support to Teen Court, a Countywide peer adjudication initiative for non-violent juvenile offenses.

FY08 Recommended Changes

	Expenditures	WYs
FY07 Approved	1,153,000	13.5
FY08 CE Recommended	1,210,580	13.5

Pre-Trial Mediation

The Pre-Trial Mediation program is designed to resolve non-violent disputes between individuals which might enter the judicial system as criminal cases, or civil claims, or even escalate to violence if not otherwise resolved. Trained volunteers, working in conjunction with a mediation specialist, mediate various issues involved in disputes allowing the parties to reduce to writing an agreement by which all sides will abide. The Bad Check Mediation Program gives merchants and receivers of checks a means for recovering their losses for bad checks passed for goods or services. In appropriate circumstances, criminal charges are filed when funds are not recovered through the mediation. The Rental Return and Restitution Program is an effort to assist the business community. This program provides merchants with a quick and effective way to recover their rental property and fees.

FY08 Recommended Changes

	Expenditures	WYs
FY07 Approved	101,180	2.0
FY08 CE Recommended	100,390	2.0

Victim/Witness Court Assistance

This program assists victims in criminal cases that have been designated as "victim-intensive" by virtue of the vulnerability of the victim or the type of crime. Victims receive direct court assistance from a Victim/Witness Coordinator. The Coordinator guides the victim through the judicial process, provides assistance where necessary, and makes referrals to other County agencies as needed. In all other cases, Assistant State's Attorneys provide information and assistance to victims and witnesses. This program is staffed with permanent and volunteer personnel.

FY08 Recommended Changes

	Expenditures	WYs
FY07 Approved	203,850	3.0
FY08 CE Recommended	275,480	4.0

Major Fraud and Special Investigations

The Major Fraud and Special Investigations program investigates allegations of major fraud such as thefts by attorneys from their clients, complex financial crimes, and other serious criminal cases for which the Police Department is unable to provide investigative resources.

FY08 Recommended Changes

	Expenditures	WYs
FY07 Approved	456,480	5.0
FY08 CE Recommended	463,280	5.0

Prosecution Management

Prosecution Management staff coordinate case loads; schedule docket assignments; receive visitors; direct phone calls; and enter and audit data in the Criminal Justice Information System (CJIS) for the Circuit, District, and Juvenile Courts.

FY08 Recommended Changes

	Expenditures	WYs
FY07 Approved	752,010	7.0
FY08 CE Recommended	762,080	7.0

Administration

Staff provide central services in areas of budget, personnel, automated systems management, general office management, and public information. In addition, staff coordinate efforts and initiatives with other criminal justice agencies.

FY08 Recommended Changes

	Expenditures	WYs
FY07 Approved	708,140	5.0
FY08 CE Recommended	624,910	5.0

District Court Prosecution

The District Court Prosecution program prosecutes criminal cases including misdemeanor arrests, citizen complaints, and serious or incarcerable traffic offenses. The State's Attorney's Office has also implemented a Domestic Violence docket in District Court to ensure that assault cases of a domestic nature and violations of protective orders are given special attention.

FY08 Recommended Changes

	Expenditures	WYs
FY07 Approved	2,184,340	31.3
FY08 CE Recommended	2,314,720	31.3

BUDGET SUMMARY

	Actual FY06	Budget FY07	Estimated FY07	Recommended FY08	% Chg Bud/Rec
COUNTY GENERAL FUND					
EXPENDITURES					
Salaries and Wages	7,733,357	8,156,350	8,210,640	8,742,830	7.2%
Employee Benefits	2,086,967	2,324,270	2,299,890	2,453,990	5.6%
County General Fund Personnel Costs	9,820,324	10,480,620	10,510,530	11,196,820	6.8%
Operating Expenses	519,513	504,050	522,910	533,430	5.8%
Capital Outlay	0	0	0	0	—
County General Fund Expenditures	10,339,837	10,984,670	11,033,440	11,730,250	6.8%
PERSONNEL					
Full-Time	98	100	100	108	8.0%
Part-Time	10	11	11	11	—
Workyears	110.0	112.7	112.7	116.4	3.3%
REVENUES					
Discovery Materials	22,326	16,000	24,000	25,000	56.3%
Bad Check Mediation Fee	6,520	10,000	7,000	6,500	-35.0%
Rental Return Restitution Fee	1,545	3,000	2,000	2,000	-33.3%
Teen Court Fees	2,880	3,500	3,200	3,000	-14.3%
County General Fund Revenues	33,271	32,500	36,200	36,500	12.3%
GRANT FUND MCG					
EXPENDITURES					
Salaries and Wages	129,375	144,210	144,210	68,640	-52.4%
Employee Benefits	29,531	30,570	30,570	14,530	-52.5%
Grant Fund MCG Personnel Costs	158,906	174,780	174,780	83,170	-52.4%
Operating Expenses	0	0	0	0	—
Capital Outlay	0	0	0	0	—
Grant Fund MCG Expenditures	158,906	174,780	174,780	83,170	-52.4%
PERSONNEL					
Full-Time	2	2	2	1	-50.0%
Part-Time	0	0	0	0	—
Workyears	2.0	2.0	2.0	1.0	-50.0%
REVENUES					
Community Prosecution	74,831	78,300	78,300	0	—
STOP Grant for Domestic Violence	84,075	96,480	96,480	83,170	-13.8%
Grant Fund MCG Revenues	158,906	174,780	174,780	83,170	-52.4%
DEPARTMENT TOTALS					
Total Expenditures	10,498,743	11,159,450	11,208,220	11,813,420	5.9%
Total Full-Time Positions	100	102	102	109	6.9%
Total Part-Time Positions	10	11	11	11	—
Total Workyears	112.0	114.7	114.7	117.4	2.4%
Total Revenues	192,177	207,280	210,980	119,670	-42.3%

FY08 RECOMMENDED CHANGES

	Expenditures	WYs
COUNTY GENERAL FUND		
FY07 ORIGINAL APPROPRIATION	10,984,670	112.7
Changes (with service impacts)		
Enhance: Prosecution of internet crimes against children through a new Assistant State's Attorney and a Victim Witness Coordinator [Circuit Court Prosecution]	127,000	2.0
Enhance: Prosecution of gang related crimes through two new Assistant State's Attorneys [Circuit Court Prosecution]	121,610	1.6
Other Adjustments (with no service impacts)		
Increase Cost: General Wage and Service Increment Adjustments	525,380	0.0
Replace: Community Prosecutor formerly grant funded [Circuit Court Prosecution]	81,580	1.0
Increase Cost: Medical benefits for Public Administration Interns [District Court Prosecution]	36,640	0.0
Increase Cost: Annualization of FY07 Personnel Costs	31,580	1.0
Increase Cost: Retirement Rate Adjustment	31,280	0.0
Increase Cost: Office Operating Expenses [Circuit Court Prosecution]	18,520	0.0
Increase Cost: Printing and Mail Adjustments	5,420	0.0
Increase Cost: Labor Contracts - Other	900	0.0
Decrease Cost: Motor Pool Rate Adjustment	-1,020	0.0
Decrease Cost: Elimination of One-Time Items Approved in FY07 [Administration]	-5,460	0.0
Decrease Cost: Group Insurance Rate Adjustment	-44,460	0.0
Shift: Project charge to the Department of Police for constitutional and criminal law instructor at the Public Safety Training Academy	-80,000	-0.5
Shift: Personnel Project Charges to the Drug Enforcement Forfeiture Fund (DEFF) for prosecution of civil forfeiture cases [Circuit Court Prosecution]	-103,390	-1.4
FY08 RECOMMENDED:	11,730,250	116.4
GRANT FUND MCG		
FY07 ORIGINAL APPROPRIATION	174,780	2.0
Other Adjustments (with no service impacts)		
Increase Cost: STOP Violence Against Women Grant [District Court Prosecution]	83,170	1.0
Decrease Cost: Termination of STOP Violence Against Women Grant and Community Prosecution Grant [District Court Prosecution]	-174,780	-2.0
FY08 RECOMMENDED:	83,170	1.0

FUTURE FISCAL IMPACTS

Title	CE REC. FY08	FY09	FY10	(FY11)	(FY12)	(FY13)
(\$000's)						
This table is intended to present significant future fiscal impacts of the department's programs.						
COUNTY GENERAL FUND						
Expenditures						
FY08 Recommended	11,730	11,730	11,730	11,730	11,730	11,730
No inflation or compensation change is included in outyear projections.						
Annualization of Positions Recommended in FY08	28	28	28	28	28	28
New positions in the FY08 budget are generally lapsed due to the time it takes a position to be created and filled. Therefore, the amounts above reflect annualization of these positions in the outyears.						
Labor Contracts	0	620	1,240	1,299	1,299	1,299
These figures represent the annualization of service increments, general wage adjustments, and associated benefits. Estimated compensation (e.g., general wage adjustments and service increments) for personnel are included for FY09 and beyond.						
Labor Contracts - Other	0	1	1	1	1	1
These figures represent other negotiated items included in the labor agreements.						
Central Duplicating Deficit Recovery Charge	0	2	0	-3	-3	-3
Departments will be assessed a per-employee charge to recover Central Duplicating's negative fund balance by the end of FY09.						
Subtotal Expenditures	11,759	12,381	13,000	13,056	13,056	13,056

STATE'S ATTORNEY

PROGRAM: Pre-Trial Mediation		PROGRAM ELEMENT: Bad Check Mediation Program				
PROGRAM MISSION: To provide the business community with a quick and effective way to recover their losses from bad checks, to identify repeat offenders and concentrate prosecution efforts on those offenders, and to lessen the burden on the court system while producing a successful result for the victim						
COMMUNITY OUTCOMES SUPPORTED: <ul style="list-style-type: none">• A caring and thriving business community• Respect for the law• Efficient delivery of quality services						
PROGRAM MEASURES						
		FY04 ACTUAL	FY05 ACTUAL	FY06 ACTUAL	FY07 BUDGET	FY08 CE REC
<u>Outcomes/Results:</u>						
Percentage of mediation cases successfully mediated		68.2	68.8	63.7	68	68
Monetary restitution recovered (\$)		246,589	239,957	223,389	250,000	240,000
Percentage of bad check cases recovered without court intervention		64.0	65.8	62.2	65.0	65.2
Percentage of bad check cases referred to court after failure of mediation		29.8	29.8	35.5	29.0	31.0
Percentage of bad check cases involving repeat offenders		6.0	3.5	2.3	3.5	3.8
Fees collected (\$)		12,615	10,795	6,965	10,000	6,500
<u>Service Quality:</u>						
Percentage of merchants surveyed who rate the quality of service of the program as "excellent" or "good"		92	92	95	95	92
<u>Efficiency:</u>						
Average amount per case recovered by the merchant (\$)		346.82	390.17	493.13	416.67	521.74
Amount recovered for every dollar spent (\$)		2.26	2.14	1.89	2.05	1.83
<u>Workload/Outputs:</u>						
Mediation cases opened		711	615	453	600	460
Cases identified as repeat offenders		39	21	10	20	20
<u>Inputs:</u>						
Expenditures (\$)		109,275	112,386	117,913	122,147	130,806
Workyears		1.5	1.5	1.5	1.5	1.5